

REMARKS

The foregoing rejection is respectfully traversed and favorable reconsideration is requested in view of the following remarks.

REJECTIONS UNDER § 103

Claims 35-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,872,082 to Watts et al. ("Watts") in view of U.S. Patent No. 5,880,073 to Tomizawa et al. ("Tomizawa"). Independent claim 35 claims, *inter alia*, a method of measuring friction performance of a power transmission fluid using an LFW-1 test apparatus including applying a first power transmission fluid between a block and a ring of an LFW-1 test apparatus and rotating the ring relative to the block from a velocity of about 0 m/s to about 0.5 m/s in about 40 seconds at a constant rate of acceleration and then rotating the ring relative to the block from a velocity of about 0.5 m/s to about 0 m/s at a constant rate of deceleration to provide a cycle.

Watts discloses the use of a test method for use on a Low Velocity Friction Apparatus (LVFA) test apparatus. The test method for the LVFA test apparatus is described as recording coefficient of friction versus sliding speed of 0-0.51 m/s at two temperatures, 93 °C and 149 °C. Nothing in Watts discloses, suggests, or points to applying a first power transmission fluid between a block and a ring of an LFW-1 test apparatus. Further, nothing in Watts discloses, suggests, or points to the cycle as defined in claim 35.

Tomizawa discloses using a LFW-1 tester, however the test method is completely different from the presently claimed method. In particular, Tomizawa discloses using conditions of 270 rpm and 10 minutes. Nothing in Tomizawa discloses, suggests, or points to the cycle as defined in claim 35.

There is no motivation to combine the elements of Watts with Tomizawa. Watts discloses using a LVFA test apparatus and Tomizawa discloses using a LFW-1 tester. The two apparatuses are different. Further, even if an LVFA test method from Watts were applied to the LFW-1 tester as disclosed in Tomizawa, one would not arrive at the presently claimed method. Neither reference discloses the cycle as disclosed in Claim 35.

The combination of Watts and Tomizawa does not work to produce the method claimed in claim 35 because there is no motivation to combine the two references, there is no expectation

of success in applying the two references together, and all of the limitations of claim 35 are not taught or suggested in such a combination. Therefore, the rejection of claim 35 should be removed. The rejection of claims 36-51 should likewise be removed as they depend from claim 35.

CONCLUSION


In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

FEES

The undersigned believes that there are no fees associated with this filing. However, if the calculations are incorrect, the Commissioner is hereby authorized to charge any deficiencies in fees or credit any overpayment associated with this communication to Deposit Account No. 12-2355. Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 12-2355.

Respectfully submitted,

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November 24, 2006
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